

IAP6 Rec'd PCT/PTO 23 AUG 2007 PCT #

PTO/SB/21 (04-07)

Approved for use through 09/30/2007. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

13

Application Number

10/566,586

Filing Date

Jan. 31, 2006 (Nat'l Phase Date)

First Named Inventor

Raymond Weinstein

Art Unit

N/A

Examiner Name

N/A

Attorney Docket Number

GMU-0001

ENCLOSURES (Check all that apply)

Fee Transmittal Form



Fee Attached



Amendment/Reply



After Final



Affidavits/declaration(s)



Extension of Time Request



Express Abandonment Request



Information Disclosure Statement



Certified Copy of Priority Document(s)

Reply to Missing Parts/
Incomplete ApplicationReply to Missing Parts
under 37 CFR 1.52 or 1.53

Drawing(s)



Licensing-related Papers



Petition

Petition to Convert to a
Provisional ApplicationPower of Attorney, Revocation
Change of Correspondence Address

Terminal Disclaimer



Request for Refund



CD, Number of CD(s) _____



Landscape Table on CD



After Allowance Communication to TC

Appeal Communication to Board
of Appeals and InterferencesAppeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

Proprietary Information



Status Letter

Other Enclosure(s) (please identify
below):

1. Petition for Revival of an Application for Patent Abandoned Unintentionally under 37 CFR 1.137 (b);
2. Form PTO-2038 (Credit Card Form);
3. Two-page Declaration using George Mason University Letterhead;

Remarks**Additional Enclosures:**

4. PCT June 25, 2007 decision re: previously filed declarations;
5. August 20, 2007 Notice of Abandonment; and
5. Return receipt postcard

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

George Mason University

Signature

/David Yee, Reg. No. 55,753/

Printed name

David Yee

Date

August 23, 2007

Reg. No.

55,753

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

/David Yee, Reg. No. 55,753/

Typed or printed name

David Yee, Registration No. 55,753

Date

August 23, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17 (07-07)

Approved for use through 06/30/2010. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995 no persons are required to respond to a collection of information unless it displays a valid OMB control number

Effective on 12/08/2004.

Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

FEE TRANSMITTAL

For FY 2007

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 1,545.00

Complete if Known

| | |
|----------------------|----------------------------------|
| Application Number | 10/566,586 |
| Filing Date | Jan. 31, 2006 (Nat'l Phase Date) |
| First Named Inventor | Raymond Weinstein |
| Examiner Name | N/A |
| Art Unit | N/A |
| Attorney Docket No. | GMU-0001 |

METHOD OF PAYMENT (check all that apply)☐ Check ☒ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): _____☐ Deposit Account Deposit Account Number: _____ Deposit Account Name: _____

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee
☐ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☐ Credit any overpayments**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

| Application Type | FILING FEES | | SEARCH FEES | | EXAMINATION FEES | | Fees Paid (\$) |
|------------------|-------------|-----------------------|-------------|-----------------------|------------------|-----------------------|----------------|
| | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | Fee (\$) | Small Entity Fee (\$) | |
| Utility | 300 | 150 | 500 | 250 | 200 | 100 | |
| Design | 200 | 100 | 100 | 50 | 130 | 65 | |
| Plant | 200 | 100 | 300 | 150 | 160 | 80 | |
| Reissue | 300 | 150 | 500 | 250 | 600 | 300 | |
| Provisional | 200 | 100 | 0 | 0 | 0 | 0 | |

2. EXCESS CLAIM FEES

| Fee Description | Fee (\$) | Small Entity Fee (\$) |
|--|----------|-----------------------|
| Each claim over 20 (including Reissues) | 50 | 25 |
| Each independent claim over 3 (including Reissues) | 200 | 100 |
| Multiple dependent claims | 360 | 180 |

| Total Claims | Extra Claims | Fee (\$) | Fee Paid (\$) | Multiple Dependent Claims |
|--------------------------|--------------|----------|---------------|---------------------------|
| _____ - 20 or HP = _____ | x _____ | = _____ | | |

HP = highest number of total claims paid for, if greater than 20.

| Indep. Claims | Extra Claims | Fee (\$) | Fee Paid (\$) |
|-------------------------|--------------|----------|---------------|
| _____ - 3 or HP = _____ | x _____ | = _____ | |

HP = highest number of independent claims paid for, if greater than 3.

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

| Total Sheets | Extra Sheets | Number of each additional 50 or fraction thereof | Fee (\$) | Fee Paid (\$) |
|---------------------|--------------|--|----------|---------------|
| _____ - 100 = _____ | / 50 = _____ | (round up to a whole number) x _____ | = _____ | |

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Petition for Revival of an Application for Patent Abandoned Unintentionally;
Petition for Extension of Time Fee

Fees Paid (\$)

1,545.00

SUBMITTED BY

| | | | |
|-------------------|------------------------------|---|------------------------|
| Signature | /David Yee, Reg. No. 55,753/ | Registration No. (Attorney/Agent) 55,753 | Telephone 703-993-3949 |
| Name (Print/Type) | David Yee | Date August 23, 2007 | |

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

GMU-0001

First named inventor: Raymond Weinstein

Application No.: 10/566,586

Art Unit: N/A

Filed: Jan. 31, 2006 (Nat'l Phase Date)

Examiner: N/A

Title: Compositions and Methods for Treating or Preventing HIV Infection

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions
Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in
the form of Response to Missing Parts; Declaration (identify type of reply):

☐ has been filed previously on _____
☒ is enclosed herewith. 08/27/2007 GFREYI 00000016 10566586

B. The issue fee and publication fee (if applicable) of \$ 01 FC:2453 750.00 OP

☐ has been paid previously on _____
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

/David Yee, Reg. No. 55,753/

Signature

August 23, 2007

Date

David Yee

55,753

Typed or printed name

Registration Number, if applicable

4400 University Dr., MSN5G5

(703) 993-3949

Address

Telephone Number

Fairfax, VA 22030

Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Declaration**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

Date

Signature

Typed or printed name of person signing certificate



AUG 23 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office, P.O.
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/566,586 | Raymond Weinstein | GMU-0001 |

| |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
|-------------------------------|

PCT/US04/02064

| | |
|------------------|---------------|
| I.A. FILING DATE | PRIORITY DATE |
|------------------|---------------|

01/28/2004

07/31/2003

Millen, White, Zelano & Branigan
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201

CONFIRMATION NO. 7191

371
ABANDONMENT/TERMINATION
LETTER



OC000000025441259

Date Mailed: 08/20/2007

NOTIFICATION OF ABANDONMENT

The United States Patent and Trademark Office in its capacity as a Designated / Elected Office (37 CFR 1.495) has made the following determination:

- Petition dated 6-25-07 to be abandoned

Therefore, the above identified application failed to meet the requirements of 35 U.S.C. 371 and 37 CFR 1.495, and is ABANDONED AS TO THE UNITED STATES OF AMERICA.

SHELBY J VIGIL

Telephone: (703) 308-9140 EXT 224

PART 1 - ATTORNEY/APPLICANT COPY

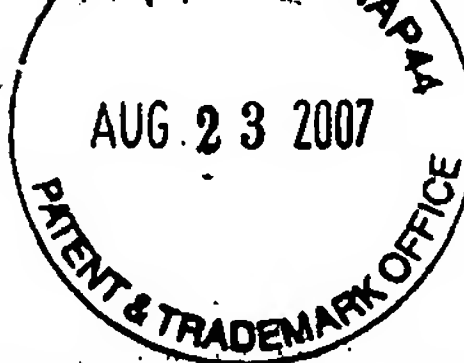
FORM PCT/DO/EO/909 (371 Abandonment Notice)

Abandoned
8/23/07



25 JUN 2007

United States Patent and Trademark Office



Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Millen, White, Zelano & Branigan
Arlington Courthouse Plaza 1
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201

JUN 27 2007

In re Application of
Weinstein et al.
App. No.: 10/566,586 ✓
PCT No.: PCT/US04/02064
Int. Filing Date: 28 January 2004
Priority Date: 31 July 2003 ✓
Attorney Docket No.: GMU-0001 ✓
For: Compositions And Methods For
Treating Or Preventing HIV Infection

URGENT

DECISION

GMU-0001
Response Due

This is in response to applicants' response filed 26 ACTION 2007.

DISCUSSION

DUE DATE

7/28/07

In a Decision mailed on 02 April 2007, the declaration filed on 16 March 2007 was treated as follows:

In response, applicants have submitted a newly executed declaration document. Review of said declaration reveals that it appears to have been assembled by combining sheets separately signed by each inventor into a single document. This impression is enhanced by counsel's characterization of the declaration as a "complete set of signed declarations." Applicants' attention is drawn to MPEP 201.03, which explains in part that

While each inventor need not execute the same oath or declaration, each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity. Where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. For example, where the inventive entity is A and B, a declaration may not be executed only by A naming only A as the inventor and a different declaration may not be executed only by B naming only B as the inventor, which two declarations are then combined into one declaration with a first page of boiler plate, a second page with A's signature, and a second page with B's signature (so that it appears that the declaration was executed with the entire inventive entity appearing in the declaration when it did not).

Since applicants do not appear to have submitted complete copies of each declaration document, it would not be appropriate to accept the declaration filed on 16 March 2007.

The current response includes three declaration documents, each naming and executed by one of the inventors. Counsel is referred again to MPEP 201.03, which states in part that "each oath or declaration executed by an inventor must contain a complete listing of all inventors so as to clearly indicate what each inventor believes to be the appropriate inventive entity." None of the

dky/ldd
7/2/07

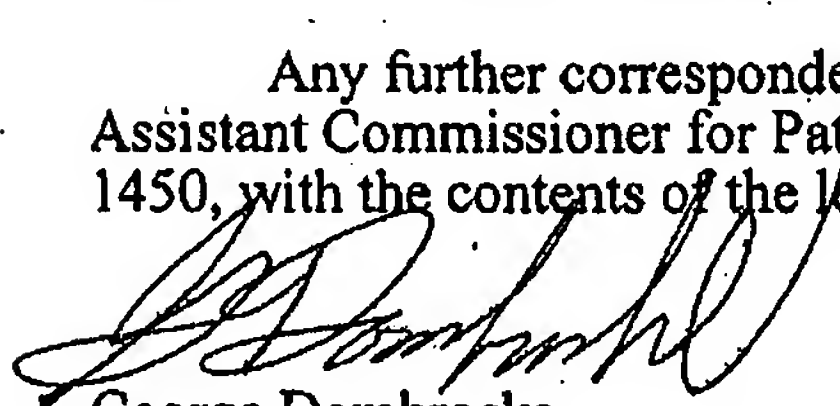
declaration documents filed on 26 April 2007 complies with this practice because none of them nominate the entire inventive entity.

DECISION

The declaration filed on 26 April 2007 is **NOT ACCEPTED**, without prejudice.

Applicants must file an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within the remaining period for response to the decision mailed on 28 February 2007, as extended under CFR 1.136(a). Failure to timely file a proper response will result in **ABANDONMENT**.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, P.O. Box 1450, Mail Stop PCT, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.



George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
Tel: (571) 272-3283
Fax: (571) 273-0459



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | | | |
|----------------------|---|------------------|----------------------|---|-------------------|
| Appl'n No. | : | 10/566,586 | PCT Int'l Appl'n No. | : | PCT/US2004/002064 |
| Nat'l Phase Date | : | 01/31/2006 | Int'l Filing Date | : | 01/28/2004 |
| First Named Inventor | : | Weinstein et al. | | | |
| Art Unit | : | N/A | | | |
| Examiner | : | N/A | | | |
| Attorney Docket No. | : | GMU-0001 | | | |

Attention: **Office of PCT Legal Administration**
Assistant Commissioner for Patents
Mail Stop PCT
P.O. Box 1450
Alexandria, VA 22313-1450

**RESPONSE TO PCT UNITED STATES DESIGNATED/ELECTED OFFICE
(DO/EO/US) JUNE 25, 2007 DECISION REGARDING NOTIFICATION OF MISSING
REQUIREMENTS UNDER 35 U.S.C. § 371 IN THE DO/EO/US**

Dear Examiner:

In response to the Notification of Abandonment dated August 20, 2007 and the PCT United States Designated/Elected Office (DO/EO/US) June 25, 2007 decision regarding acceptance of declarations for the aforementioned application, attached please find a two-page declaration on George Mason University letterhead in compliance with 37 C.F.R. § 1.497(a) and (b). Also attached are a copy of the Notification of Abandonment and the PCT June 25, 2007 decision.

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 C.F.R. § 1.137(b) was unintentional.

As per the August 2, 2007 phone conversation with PCT Examiner George Dombroske, PCT Examiner Dombroske stated that he reviewed and accepted the 2-page declaration on George Mason University letterhead, where each page lists the names of the inventors. Also,

Appl'n No. 10/566,586

Aug. 23, 2007 Resp. to PCT DO/EO/US Jun 25, 2007 decision

PCT Examiner Dombroske stated that the fee to pay, if filed by August 28, 2007, is a four month extension time fee.

Both pages were e-mailed to each inventor for review and signing. Each inventor returned both pages after signing. Each inventor also has a copy of the declaration signed by all three named inventors.

Respectfully submitted,

/David Yee, Reg. No. 55,753/

David Yee

Registration No. 55,753

Office of Technology Transfer
George Mason University
4400 University Dr., MSN 5G5
Fairfax, VA 22030
Phone/Fax: 703-993-3949

Filed: August 23, 2007